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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,664	04/19/2001	Fernando Pedone	10005190-1	9896

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT PAPER NUMBER

3639

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,664

Applicant(s)

PEDONE, FERNANDO

Examiner

Akiba K. Robinson-Boyce

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Status of Claims*

1. Due to communications filed 9/12/05, the following is a final office action. Claims 1-19 are pending in this application. The previous rejection has been maintained.

Claims 1-19 are rejected as follows.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 7-13, 15, 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (US 5,878,139).

As per claim 1, Rosen discloses:

a) sending the e-ticket from an initial receiving server Si to a plurality of servers including Si, wherein each server returns an answer indicative of whether that server previously answered an inquiry for the e-ticket, (col. 43, lines 23-26, sending copy of the electronic ticket to merchant trusted agent, which represents a merchant server since the agent exchanges e-tickets and payments with the customer's trusted agent and in order to actually make the exchange a server is needed to access the appropriate files for exchange, fig. 5, shows more than one server);

b) collecting the identities of the answering servers in an answer set, (Col. 14, line 57-Col. 14, line 2, reply message is shown, in this case the server's identity must be collected in order to successfully send a message to a particular server);

c) broadcasting the e-ticket and the answer set, to the plurality of servers, if at least one server previously answered an inquiry for the e-ticket, (Col. 33, lines 11-16, shows implementation of broadcasting, Col. 17, lines 46-49, sends the identity of the merchandise [represents e-ticket], and also sends a message to trusted agent A to buy the selected merchandise or e-ticket); and

d) collecting the identity of any server Sk broadcasting the e-ticket and an associated answer set in a second answer set upon receipt of the broadcast, (Col. 14, lines 61-63, shows messages are numbered which appears in reply messages, which means there is at least a first and a second reply message, and as stated above, the server's identity must be collected in order to successfully send a message to a particular server).

In this case, Rosen does not specifically disclose collecting identities of servers every time an answer set is delivered. However, this feature is obvious with Rosen because a server's identity must be collected in order to successfully send a message to that particular server. If the identity was not known, then the message would never reach the particular server. Rosen also does not specifically disclose broadcasting the e-ticket to a plurality of servers. However, it is obvious that the e-ticket is sent to a plurality of servers since a copy of the ticket is already sent to a merchant server via merchant trusted agent and Rosen shows a plurality of servers in fig. 5.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to identify servers when an answer set is delivered with the motivation of determining which server produced a particular answer set to send e-tickets to a plurality of servers with the motivation of receiving a plurality of replies.

As per claim 2, Rosen discloses:

wherein step b) is performed until a majority of servers has answered, (Col. 14, line 57-Col. 14, line 2, shows use of timers, so if the timer expires before the message has been received, the transaction will be aborted, in this way, for the servers who have replied, the transaction will be processed and identities collected for those particular servers).

As per claims 4, 11, 15, Rosen discloses:

e) accepting the e-ticket if Si receives its own broadcast and the answer set is a subset of the second answer set/accepting the e-ticket, (Col. 19, lines 29-31, accept merchandise [e-ticket]) .

As per claim 5, 16, Rosen discloses:

d) rejecting the e-ticket if Si has received its own broadcast and the answer set is not a subset of the second answer set, (Col. 19, lines 27-28, does not accept merchandise [e-ticket]) .

As per claims 7, 18, Rosen discloses:

wherein the e-ticket represents a prior reservation of goods or services, (Col. 9, lines 21-24, pre-transaction).

As per claim 8, Rosen discloses:

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wherein the e-ticket contains no information specifically identifying the owner, (col. 13, lines 1-9, credential saved separately as secondary record [doesn't have to be used]).

As per claim 9, 19, Rosen fails to disclose:

wherein broadcasts are performed in accordance with a selected one of a pure atomic broadcast, a general broadcast, a CT-broadcast, and an OPT-broadcast protocol.

Official notice is taken that is old and well known in the broadcast art for broadcasts to be performed in accordance with a selected one of a pure atomic broadcast, a general broadcast, a CT-broadcast, and an OPT-broadcast protocol. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for broadcasts to be performed in accordance with a selected one of a pure atomic broadcast, a general broadcast, a CT-broadcast, and an OPT-broadcast protocol with the motivation of broadcasting messages in accordance with the most effective broadcast technology.

As per claim 10, Rosen discloses:

sending the e-ticket from an initial receiving server  $S_i$  to a plurality of servers including  $S_i$ , wherein each server returns an answer indicative of whether that server previously answered any inquiry for the e-ticket, (col. 43, lines 23-26, sending copy of the electronic ticket to merchant trusted agent, which represents a merchant server since the agent exchanges e-tickets and payments with the customer's trusted agent

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and in order to actually make the exchange a server is needed to access the appropriate files for exchange, fig. 5, shows more than one server);

b) selecting a conflict mode if at least one selected server of a majority of servers answered a previous inquiry for the e-ticket, (Col. 14, lines 11-31, executing commit transaction when both A and B commit, A will delete ticket and B will no longer be provided); and

c) selecting a conflict-free mode if none of the majority of servers has answered any previous inquiry for the e-ticket, (Col. 15, lines 2-5, without receiving a reply, aborting transaction).

In this case, Rosen does not specifically disclose sending the e-ticket to a plurality of servers. However, it is obvious that the e-ticket is sent to a plurality of servers since a copy of the ticket is already sent to a merchant server via merchant trusted agent and Rosen shows a plurality of servers in fig. 5.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to send e-tickets to a plurality of servers with the motivation of receiving a plurality of replies.

As per claim 12, Rosen discloses:

d) collecting the identities of the answering servers in an answer set, (Col. 14, line 57-Col. 14, line 2, reply message is shown, in this case the server's identity must be collected in order to successfully send a message to a particular server) .

As per claim 13, Rosen discloses:

wherein step b) further comprises the steps of :

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i) broadcasting the e-ticket and the answer set to the plurality of servers, (Col. 33, lines 11-16, shows implementation of broadcasting, Col. 17, lines 46-49, sends the identity of the merchandise [represents e-ticket], and also sends a message to trusted agent A to buy the selected merchandise or e-ticket); and

collecting the identity of any server  $S_k$  broadcasting the e-ticket and an associated answer set in a second answer set, upon receipt of the broadcast, (Col. 14, lines 61-63, shows messages are numbered which appears in reply messages, which means there is at least a first and a second reply message, and as stated above, the server's identity must be collected in order to successfully send a message to a particular server).

In this case, Rosen does not specifically disclose broadcasting the e-ticket to a plurality of servers. However, it is obvious that the e-ticket is broadcasted to a plurality of servers since a copy of the ticket is already sent to a merchant server via merchant trusted agent and Rosen shows a plurality of servers in fig. 5.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to broadcast e-tickets to a plurality of servers with the motivation of receiving a plurality of replies.

#### ***Allowable Subject Matter***

4. Claims 3, 6, 14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Response to Arguments***

5. Applicant's arguments filed 9/12/05 have been fully considered but they are not persuasive.

First, as per claim 1, the applicant argues that Rosen does not teach "sending the e-ticket from an initial receiving server S1 to a plurality of servers including S1", and argues that nowhere does Rosen teach or suggest that a receiving server sends an e-ticket to a plurality of ***servers including the receiving server***. However, the office action cites Rosen, col. 43, lines 23-26, where it states "said customer trusted agent sending a ***copy*** of said electronic ticket and said dispute information to said merchant trusted agent, via said cryptographically secure station". Since a ***copy*** of said electronic ticket is being sent from the customer trusted agent, which represents the receiving server, then this means that the electronic ticket is presented to the server associated with the customer trusted agent as well, and since the customer trusted agent is the sender of the electronic ticket, this means that the customer trusted agent presents a copy of the e-ticket to its own self.

As per claim 1, the applicant also argues that Rosen does not disclose "wherein each server returns an answer indicative of where the server previously answered an inquiry for the e-ticket". As disclosed in the rejection, col. 43, lines 23-26 discloses that the customer trusted agent sends a copy of the electronic ticket to the merchant trusted agent, however, the next limitation of the claim discloses that the merchant trusted agent then validates the electronic ticket. Rosen also discloses that the verification includes checking to see if the message received at one point is the same verification

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message previously sent in col. 16, lines 12-16, and if it is the same, a session manager notes the start of a session, which represents the answer.

The applicant also argues that Rosen does not teach "collecting the identities of the answering servers in an answer set." However, specifically in col. 14, lines 61-63, Rosen discloses that "the Session Manager may also number the message sent. This number would appear in the reply message from the Session Manager of the second trusted agent". Therefore, Rosen is identifying the trusted agents by numbering the reply messages associated with the particular trusted agent. Rosen therefore collects the identities of servers every time an answer set is delivered through the use of these numbers.

In addition, the applicant argues that Rosen does not disclose broadcasting the "e-ticket and the answer set to the plurality of servers". The applicant also argues that the two sections recited are unrelated. However, although unrelated, the first section, col. 33, lines 11-16 of Rosen, was merely recited to show that the broadcasting application is implemented by servers of this invention in order to reveal and output information to other servers. It is the second recitation that truly discloses that the e-ticket (represented by the identity of the merchandise), and the answer set (represented by the instructions for buying the merchandise) is revealed to the merchant server in Col. 17, lines 46-49. According to the Merriam Webster's Dictionary, the term "broadcast" is defined as to make widely known. In this case, the identity of the merchandise, and the instructions for buying the merchandise are "broadcast" since these two items are being made widely known throughout the servers

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As per claim 10, the applicant makes arguments similar to those of claim 1.

Claim 10 is therefore rejected for the same reasons as disclosed above with respect to claim 1.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

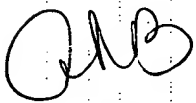
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238

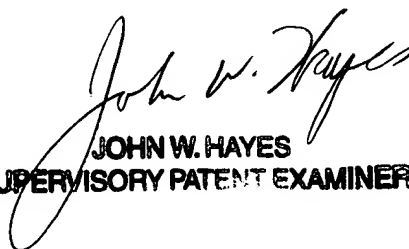
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[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],  
and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is 703-305-  
3900.



A. R. B.  
November 14, 2005



**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**